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February 14, 2020

Honorable Stewart D. Aaron
United States Magistrate Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1970
New York, NY 10007

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION SEEKING TO COMPEL
DOCUMENT PRODUCTION AND SEEKING A STATUS CONFERENCE

Re: HAHA Global, Inc. Ali Aghaei, Dominic Barbar, Nigel Sherry v. Barclays, Intuit, Inc., Intuit Payment Solutions, Bill.com, LLC, JPMorgan Chase Bank, N.A., Bank of America, U.S.Trust, Wells Fargo Bank & Co., Santander Bank, N.A., TD Bank, N.A., US Bancorp, CITI, CITIGROUP, Early Warning Services, Chex Systems, GIACT, Greylock Capital, 83 North
Civil Action No. 1:19-cv-04749 (VEC) (SDA)
Our File No. 22505.00003

Dear Judge Aaron:

We are the attorneys for Bank of America, N.A. ("BANA") in this action.

In accordance with Your Honor's Individual Practice Rules, this letter constitutes our opposition to plaintiff Ali Aghaei's *third* motion seeking to compel document production and requesting a conference which appears at ECF No. 85 on the court's docket.

The plaintiff previously filed motions seeking a scheduling order to compel discovery which appears at ECF docket numbers 78 and 80. This Court by order dated February 3, 2020 already **denied** plaintiff's motion for expedited discovery and denied his motion for a hearing and denied his motion for discovery, which order appears on ECF as docket number 83 and states as follows:

ORDER denying 78 Motion to Expedite; denying 78 Motion for Hearing; denying 80 Motion for Discovery. Pending before the Court are Plaintiffs' motions for expedited discovery and other relief (ECF Nos. 78 and 80). Plaintiffs' motions are DENIED. Based upon the Court's review of Plaintiffs' Amended Complaint and the pending motions to dismiss, the Court in its discretion finds that there is no basis for expedited discovery (or any discovery at the present time). The Clerk of Court is respectfully directed to close the gavels at ECF Nos. 78 and 80. A copy of this Order will be mailed to

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pro se Plaintiff Aghaei by Chambers. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 2/3/2020) (kl) (Main Document 83 replaced on 2/3/2020) (kl). (Entered: 02/03/2020)


The instant application by Plaintiff is inappropriate given the Court's prior order denying his previous motions for discovery and this Court should consider sanctions against Plaintiff for frivolous motion practice.

It should also be noted that Plaintiff failed to meet and confer prior to making the instant discovery related motion in violation of Your Honor's Individual Practice Rules. We strongly object to any discovery given the pending motions to dismiss and lack of personal jurisdiction over this defendant as more fully explained in the motion to dismiss by BANA, which appears as Docket # 74, incorporated by reference herein. There are also two other pending motions to dismiss as well, one by Barclays and one by Santander Bank, N.A.

By reason of the foregoing, there is no basis for ordering discovery at this time nor would it be appropriate to schedule a conference given the pending motions to dismiss. It is respectfully requested that plaintiff's motion be denied.

Respectfully submitted,

WILSON ELSE MOSKOWITZ
EDELMAN & DICKER LLP


Aaron Weissberg

cc: Ali Aghaei (by ECF, Electronic Mail and U.S. First Class Mail)
HAHA Global, Inc. (by ECF, Electronic Mail and U.S. First Class Mail)
All counsel who have appear via ECF